

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRUCE ANTHONY MYERS,

Defendant.

CR 11-105 LRR

**ORDER**

The Court is in receipt of the Final Presentence Investigative Report for the above-entitled Defendant.<sup>1</sup> In the report, the United States Probation Officer notes one issue needs to be decided by the Court.

**IT IS ORDERED:**

1. If the issues noted in the presentence report have been resolved, the parties shall file a notice of the same as soon as an agreement is reached.
2. In any case in which sentencing issues remain, **within fourteen days of the date of this order**, the attorneys shall file the following with the Clerk and serve a copy on opposing counsel and the **United States Probation Office**:
  - a. A list of all witnesses counsel expects to call to testify at the sentencing hearing;
  - b. A list of all exhibits counsel expects to offer at the sentencing hearing; and
  - c. A list of all sentencing issues counsel will ask the Court to decide, with a separate brief that contains a citation to all statutes, case law and

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<sup>1</sup>The sentencing hearing will be scheduled by separate order.

guideline sections relied on in support of counsel's position.

3. **If any part of the guideline calculation** under the advisory guidelines is in dispute, the parties shall submit itemized and annotated statements of how they arrived at their figures. **Because the court is required to calculate an advisory guideline sentencing range in all cases, the parties must file sentencing memoranda containing legal authority to support each argument as to which specific offense characteristics and adjustments are applicable. If the parties agree as to the Total Offense Level but disagree about how the Total Offense Level was calculated, each party still must submit a detailed sentencing memorandum setting forth the differing positions and legal authorities.**
4. **The court will not agree to be bound to a specific advisory guideline range or sentence unless both parties file a waiver of their right to appeal.**
5. If the amount of restitution is at issue, the parties shall submit itemized and annotated statements (with any supporting documentation) explaining how they arrived at their figures.
6. **Within fourteen calendar days** from the date of this order, counsel shall exchange exhibits marked with exhibit numbers in accordance with Local Rule 83.7.
7. In the event counsel expects to offer the testimony of in-custody witnesses, **within fourteen days from the date of this order**, counsel shall provide notice to the United States Marshal.
8. In the event counsel wants the United States Marshal to serve subpoenas on witnesses, those subpoenas shall be delivered to the United States Marshal **within fourteen days from the date of this order.**
9. If a party does not file its sentencing memorandum in a timely manner or if a brief citing to legal authority is not filed, the Court will

consider the issues previously raised by the party in the party's objections to the presentence report to be waived.

**IT IS SO ORDERED.**

**DATED** this 29th day of March, 2012.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA